TELLS THE FACTS AND NAMES THE NAMES

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Here it Comes Again! New Real Estate Bubble Looms

Farmland Casino Roars into Life

By Bill Hatch

Merced, California

Investment groups fleeing the stock markets are investing in farmland, including irrigated California farmland. Finance, insurance and real estate corporations have been discreetly buying and holding agricultural land for decades in the California Central Valley. Almond orchards and vineyards are good places to park money to wait for the next expansion of urban slurb. When the Enron/dotcom market crashed, California real estate, with its low property taxes, rapid growth and weak governments, was a very attractive investment. As a result, five or six county seats in the San Joaquin Valley have made the top ten for residential foreclosures for the last several years. But the players in this particular game may be farming the tax code more than the land and crops.

In any event, what finance now sees as an investment, which is safe relative to the stock market, will soon turn into one more real estate casino.

Here are some likely consequences of a major increase in outside-investor control of agricultural deals in California:

• Increasing overproduction of nuts, fruits and grapes, thus depressing commodity prices;

• impacts on water: more, larger wells driving down the aquifers for real farmers;

• increased, sophisticated, well-funded political pressure to destroy the San Joaquin Delta for the benefit of irrigated agriculture;

• salts increase speed at which farms

HATCH CONTINUED ON PAGE 2

Magical Thinking and the Suspension of Disbelief

The "Peace Process" Hits New Low in Grim Absurdity

By Kathleen Christison

The unreality surrounding the latest attempt to restart the so-called peace process between Palestinians and Israel has been something to behold – another breathtaking example of Washington's penchant for policymaking by wishful thinking. As with cargo cults, commentators and administration officials are peddling a positively magical version of optimism: if you build it, they will come.

Former Clinton-era policymaker Martin Indyk, in a Pollyannaish op-ed in the *New York Times* a few days before the talks began at the start of September, actually called for a suspension of disbelief to allow U.S. diplomacy the time to put Palestinians and Israelis to the test. The tests he would have them meet, both apparently quite simple in his mind: Palestinian President Mahmoud Abbas should concede the right of return, the Palestinians' most fundamental demand going to the root cause of the conflict, and Israeli Prime Minister Benjamin Netanyahu should agree to withdraw from 95 per cent of the West Bank and allow a Palestinian capital in East Jerusalem. Dream on, Martin. Continue to comfort yourself with the blithe assumption, against all evidence, that either Palestinians or Israelis will so easily give up their most basic red lines.

Indyk might actually not be far wrong in believing that Abbas is prepared to concede the Palestinians' right of return or is ready at least to water down the demand – enough to render it meaningless – as far as any actual redress is concerned for Palestinians who were dispossessed in 1948 to make way for a Jewish state. But any assumption that a peace agreement based on such a concession would be acceptable to most Palestinians is a fantasy. Most of Abbas' constituents and the millions of refugees languishing in camps around the Arab world would regard any casual concession of this most fundamental demand as a grave and ultimately deal-breaking injustice. Abbas is already very unpopular among Palestinians and is roundly and quite openly criticized for holding power illegally, for cooperating too closely with Israel, and for an overeagerness to accommodate U.S. demands. He would not be able to convince Palestinians that they had not been betrayed were he to accept a peace agreement that ceded the right of return.

Indyk is also living in fantasy if he believes the Jewish state, and particularly its most stridently right-wing government, is ready to relinquish its dream of Greater Israel and, indeed, wants any kind of peaceful, land-sharing arrangement with its non-Jewish subjects and neighbors. The *Times* issued its own magical editorial a few days later. "If Mr. Abbas is engaging in serious direct talks," said the *Times*, "Mr. Netanyahu should have no excuse to resume [settlement] building." As simple as that. As if Netanyahu has ever needed an excuse to continue settlement construction. It shouldn't have to be pointed out that Abbas and his predecessor have been engaging in serious talks, direct and indirect, for years, since the Oslo process began 17 years ago, and this has not only failed to induce Israel to stop settlement expansion but, in fact, served as the cover for a massive increase in construction, leading to a doubling of settlers and settlements in the 1990s, precisely during the years of most intense negotiations.

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salt up to the point they cannot be farmed;

• expansion of orchards and vineyards onto seasonal pasture on both sides of the Central Valley, from Tehama to Kern and Butte to Tulare counties – thus reducing groundwater recharge areas and destroying habitat for federal and state-listed endangered species of flora and fauna;

• managers of agricultural operations of the size that attract large pools of investment funds – for example, the Kern County-based 30,000-acre operation mentioned recently in the *Los Angeles Times* – are not and cannot ever be as efficient as owner-operated farms. It frequently happens that the investors, rather than land and crops, are being "farmed"; the greater the amount of farmland under control of oversized agribusiness managers, the less efficient the farming operations are overall – a point made by J. Russell Giffen during the 160-acre-limitation battle in the late 1970s. Giffen was one of the largest farmers on the west side of the San Joaquin Valley, when the last battle to enforce the conditions of the Reclamation Act of 1902 was fought and lost by small farmers and their supporters;

• land ownership will become more concentrated and farmland prices will rise; both factors will make entry into farming by real new farmers more difficult.

The game will be played essentially as it was in residential real estate. It will be a casino. Hedge funds will buy farms to "flip" them as the farmland prices rise, and seek, totally rationally, to do anything and everything to avoid being caught in the musical chairs game when the farmland boom busts. Thousand-acre agricultural parcels will be flipped like McMansions were a few years ago.

However, there will be differences. Urban development, braying the slogan, "Development pays for itself," constantly ripped off municipalities. Contemporary real estate booms leave cities in their wakes full of frightened, demoralized residents, rising unemployment and crime rates, tent cities on their peripheries and extremely austere municipal and county budgets. The coming farmland casino, at least in the San Joaquin Valley of California – already gutted by one wave of real estate speculation – will demand not more streets and roads but more water. The irrigated farmland casino of California will be a bonanza for state and federal lobbyists, who will get a whole new class of clients with deep pockets and a giant thirst for the public-trust and public-funded natural resources of California. Since more than 70 per cent of the state's developed water goes to agriculture, this new bubble will inevitably add more weight to the technocratic doctrine of Western water established by President Herbert Hoover: "Every drop of water that runs to the sea without yielding its full commercial returns to the nation is an economic waste," echoed at the time by Joseph Stalin's maxim that "water which is allowed to enter the sea is wasted."

Hedge funds will buy farms to "flip" them as the farmland prices rise. Thousand-acre agricultural parcels will be flipped like McMansions were a few years ago.

We can hardly wait to see how the financial geniuses of America are going to slice, dice and securitize farm ownership in the nation, following folks on Wall Street that are "tranching" their mortgages. When the land values rise to irresistible levels, around here in the San Joaquin Valley, we will lose the last generation of farmers and ranchers who actually know how to farm and ranch on this land. They'll cash out and go elsewhere, creating a miniboom in agricultural land values wherever they come to rest. It happened here already about 15 years ago, when Southern California dairymen, whose land values increased to the point where it was insane not to sell, sold and bought dairies ten times as large in the San Joaquin Valley.

Valley farmland owners will shuck and drawl and count the money. As it was true during the urban boom, early sellers will make a lot of money. Politicians at all levels in the Valley will welcome the investment and dispatch press releases about the new prosperity. State and federal environmental groups will remain silent, and, if not, judicious contributions will flow their way. Anyway, they have enough to do, protecting the Sierra and the coast. Besides, the politics and economics of irrigated agriculture are barbaric. The *New York Times*, at the behest of banks and investors, will write more stories about the terrible lack of water for agriculture in California, including interviews with yeomen cotton merchants and drugstore farmworkers from central casting.

A handful of Valley grassroots groups will fight the new casino in farmland, because it is their homes that will be affected and because they are just too simple-minded to understand that the rich don't have a god-given right to get richer at the expense of the natural resources and political economy of their state.

A free-market society is committed, wholeheartedly and by tooth and by nail, to three fictitious propositions: that there is a free market in land and natural resources, a free market in labor, and a free market in money. At some point, the pain level in the society will cause some questions to be raised regarding these fictions, but that level has not yet been achieved. As Aeschylus put it some time ago, "Through suffering alone will we grow wise."

One could add, with reference to the Great Depression … again. **CP**

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The suspension of disbelief required to imagine Netanyahu and his ultrarightwing government ever relinquishing any of the West Bank, let alone 95 per cent of it, is considerable. Already the so-called settlement blocs that all Israeli governments have insisted on keeping under Israeli control, and whose retention most recent U.S. administrations have endorsed, make up a much greater land area than the five per cent to be retained under Indyk's 95 per cent solution. Those areas of the West Bank that lie on the Israeli side of the Separation Wall constitute 10 per cent of the territory's total land area, and this does not include other lands whose relinquishment is hard to imagine: the large numbers of settlements outside the settlement blocs, an extensive road network connecting the settlements to one another and to Israel proper, and the Jordan Valley, which borders Jordan along the entire eastern portion of the West Bank. Israel has always regarded this area, constituting fully one-quarter of the West Bank, as of critical security importance, and currently designates almost all of it as a closed military zone.

Elsewhere in the *Times*, in another adventure into wonderland prominently placed on the front page, Ethan Bronner hailed supposed signs that the "crude outlines of a Palestinian state are emerging in the West Bank." The notion has been spreading rapidly among wishful thinkers the last few years, including the "Mideast Quartet" special envoy Tony Blair, that the Palestinian economy is thriving, security (meaning for Israelis) is much improved, and life in the West Bank is great. This is all, we are told, because of a combination of Israeli "good will" – the numbers of checkpoints have been reduced and, instead of an in your face presence of Israeli soldiers throughout the territory, Israeli troops now conduct "only" four or five raids every night into Palestinian villages – as well as a vast infusion of money from the U.S.A. and the international community, plus instruction from a U.S. general who is teaching the Palestinians to be Israel's security agents.

Bronner himself did acknowledge offhandedly that, "of course," the West Bank remains occupied by Israel and "true ordinary life" is impossible for Palestinians, as if these fundamental realities are of minimal importance. But, returning to his optimistic tack, he went on to describe the bustle of life in Palestinian cities and the rise in economic growth, citing an IMF report that growth in the first quarter of 2010 was 11 per cent higher than the same period last year. There is, indeed, considerable bustle and lots of goods in markets in Ramallah and some other Palestinian cities; new buildings, including shopping malls and hotels, are being built, and movie theaters are opening. But this is showcase economics, the kind of surface prosperity that looks good to the outside world but does nothing to help the average Palestinian and, as Ramallah businessman Sam Bahour has pointed out in numerous articles, does not equate to the kind of economic development that could lead toward statehood.

The gross inequity in this sanctimonious effort to "bring Israelis and Palestinians together" is that Palestinians are the ones who have to give up everything throughout the process.

Increased growth, even markedly increased growth, after years of zero growth, does not make a thriving economy; apparent prosperity in the cities does not spell economic development or the economic basis for state-building. All key aspects of a real economy, Bahour points out, "are squarely in the hands of Israel." Israel alone controls access to water, access to electricity, movement throughout the West Bank, all borders, all airspace, and the electromagnetic spectrum. A World Bank report from early this year, cited by Bahour, noted that the apparatus of occupation is so extensive that it controls every aspect of Palestinian life, including job opportunities and even the ability to get to work. Despite the much-ballyhooed shutdown of some checkpoints, Israel still imposes a permit system that restricts movement, thus limiting access to employment and commerce. Huge terminals resembling international border crossing points (at which the border guards are the same on both sides) impede movement, and even those able to get hard-to-obtain permits to pass through are closely monitored through such devices as biometric handprints. These permits and barriers, the World Bank report concluded, have "turned the West Bank into a fragmented set of social and economic islands or enclaves cut off from one another."

The occupation and its effects on Palestinians, on the Palestinian economy and, perhaps most significantly, on the Palestinians' ability to exercise any kind of leverage in negotiations with their Israeli occupiers and their occupiers' U.S. patron have been all but forgotten by those who claim to expect anything out of current talks. Even the Palestinian leadership downplays the significance and impact of the occupation, effectively playing along with the U.S.-Israeli pretense that it is on the wane and is of minimal importance. A Los Angeles rabbi, writing recently in the *Los Angeles Times* after a meeting with Palestinian Prime Minister Salam Fayyad, crowed that

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Fayyad used the word "occupation" only once during a 30-minute meeting and "refuses to perpetuate Palestinian victimhood to villainize Israel." Fayyad's silence about the occupation and the Palestinian Authority's eagerness in general to demonstrate its "moderation" and willingness to make concessions to Israel totally undermine the legitimacy of any Palestinian resistance and sustain the appalling notion, as expressed by the rabbi, that resistance to foreign occupation is nothing more than a "villainization" of the occupier expressed by an occupied people who are merely wallowing in self-pity.

All this dream-making appears to be concentrated in the United States, among those – including policymakers, "moderate" Zionists in the Israel lobby, and the media – who have a vested interest in promoting optimism and pressing for a two-state solution against all evidence that Israel is continuing to swallow the land intended for the Palestinian state. Commentators outside the U.S. appear a bit more skeptical. Many astute analysts were already calling the new peace talks a "farce" before they began. It seems only the Obama administration and its cheerleaders, like the Israel lobby group J Street, fail to recognize just how severely out of kilter the power equation is in these negotiations and just how badly the deck is stacked against the Palestinian side of the equation.

* * *

So, what, despite some skepticism, is really wrong with a little harmless optimism about negotiations? What's wrong with being upbeat, not talking about the occupation and concentrating on the good things, the hopeful signs? The answer, of course, is that optimism in this instance is not harmless. Optimism such as Martin Indyk's, for instance, or the Los Angeles rabbi's, or even Salam Fayyad's, diverts attention from the glaring realities of the occupation and creates expectations of negotiating success that are dangerously overdrawn. Concentrating on the "good things" means ignoring those glaring realities and the hugely important factors that will undermine achievement of a just and enduring peace settlement.

Treating the occupation as though it does not exist sets the Palestinians up as the spoilers, no matter what will be the outcome of peace talks. If the Palestinian leadership remains firm about insisting on fundamental Palestinian rights and the negotiations fail as a result, the failure will be blamed on Palestinian refusal to accommodate Israel's demands. Or, if the leadership caves in and reaches agreement on the only kind of Palestinian state that Israel might be likely to allow – a truncated, disconnected state lacking any viability or sovereignty – the inevitable grassroots Palestinian opposition to an agreement such as this, built on total surrender, will be regarded by Israel and the U.S. as evidence that Palestinians are, after all, intransigent and desirous only of "villainizing" and destroying Israel.

No matter how much good will is invested in the effort, ignoring so many of the grim realities of this conflict – as negotiations enthusiasts from Barack Obama and George Mitchell to the new lobby group J Street do – will result at best in a sham peace that is unjust and unstable. J Street, it should be remembered – which has put itself forward as a moderate alternative to the main pro-Israel lobby organization AIPAC – is in business only to promote Israel's interests. Its slogan – "pro-Israel, pro-peace" – specifically ignores the Palestinians. Although J Street pays lip service to the need for Palestinian independence, its principal objective is to preserve Israel's existence as a Jewish state. As a result, it rejects in advance of negotiations the Palestinian right of return and a complete Israeli withdrawal from settlement blocs covering roughly 10 per cent of the West Bank; it rejects any notion of withholding aid from Israel; and it has condemned human rights reports detailing Israeli war crimes and human rights violations, such as the Goldstone report. Therefore, it is hard to see a difference between this approach and that of the Obama administration.

Palestinians frequently draw an analogy with a situation in which two people are trying to divide a pizza while one of them is devouring it.

The deck in these negotiations is clearly stacked against the Palestinians and against any possibility of resolving or even addressing the root of the conflict and Palestinian grievances going back to 1948. Imagine a peace process and, if the peace processors get their wish, a peace settlement that ignores major aspects of Palestinian interests – that ignores an entire portion of Palestinian territory in Gaza, along with its 1.5 million imprisoned inhabitants; that ignores Hamas and the reality that it was democratically elected by a people dissatisfied with the leadership of those Palestinian leaders now sitting at the negotiating table; that ignores Israel's continued inexorable absorption of land, a phenomenon of which settlement construction is only one manifestation; that ignores the reality that prevention of any Palestinian state is part of the founding principles and the political basis of Netanyahu's Likud Party, which itself sits to the left of other right-wing parties in Netanyahu's coalition; that ignores the immense significance of the strong U.S. partnership with Israel, particularly the Kafkaesque reality that the U.S.A. – the supposed mediator – gives one party to the negotiations the firepower with which to suppress the other.

Imagine a peace process in which the Palestinians are expected to concede to Israel, essentially in advance of serious negotiations, three encompassing negotiating points – recognition of Israel's right to exist as a specifically Jewish state, relinquishment of any right of return for the refugees displaced in 1948 in order to make Israel a Jewish state, and a pledge to forego all future claims and, thus, end the conflict – all without receiving any compensating concessions from Israel.

* * *

In the end, Palestinians are being asked – and, unfortunately, the Palestinian Authority leadership is not resisting this approach – to negotiate over what should be non-negotiable and to ignore fundamental grievances. Negotiating over the occupation, as opposed merely to discussing arrangements for Israel's withdrawal, means giving the occupation legitimacy and conceding from the beginning that some of its aspects will remain; it means treating the occupation not as the illegal system that it is under international law but as a mere territorial dispute, in which Israel has a legally defensible position and needs only to adjust

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its level of control over the Palestinians – not relinquish it entirely, as international law demands. At the same time, *not* negotiating in any way over the Palestinians' dispossession in 1948 and recognizing Israel as a Jewish state accords legitimacy to Israel's expulsion of the Palestinians and ends any Palestinian claims for return or compensation.

Those who speak optimistically about this round of negotiations, those who now have an investment of reputation in the two-state solution and the nice fantasy of Israel and Palestine "living side by side in peace" – including, first and foremost, the Obama administration itself, as well as groups like J Street and longtime peace processors like Martin Indyk – speak as though Israelis and Palestinians will sit down together as equals. But just as the pretense that the Palestinian economy is thriving is showcase economics, a negotiation that ignores the power imbalance between the parties – and, as a result, essentially ignores the main issues and the root of the conflict – is showcase peacemaking. There is no equity in talks that demand that an occupied people sit down to negotiate their fate with their powerful occupier, particularly when the supposed mediator partners with the latter. When one party has all the military power, controls all the territory, and controls all the people, true negotiation is impossible.

The reality, in which Israel continues to absorb more and more land while the Palestinians are powerless to stop this, even as the two sides supposedly discuss how to divide the land, further highlights the power disparity. Palestinians frequently draw an analogy with a situation in which two people are trying to divide a pizza while one of them is devouring it.

The attempt to put forward the impression that this is a negotiation between equals, that the conflict is a balanced one between equally powerful parties, and that each side has more or less equal grievances is part of the enormous fiction surrounding the renewed talks. The gross inequity in this sanctimonious effort to "bring Israelis and Palestinians together" is that Palestinians are the ones who have to give up everything throughout the process: to give recognition of Israel's right to be a Jewish state; give recognition of Israel's right to keep the 78 per cent of Palestine that is the Israeli state; give acceptance of Israel's right to keep some substantial portion of the remaining 22 per cent, where the Palestinian state would supposedly lie; give Israel the right to blockade and isolate Gaza, whose population constitutes about one-quarter of those Palestinians residing in historic Palestine; and, ultimately, give Israel rights over Palestine's borders, roads, airspace, and sovereignty. Israel is asked to give nothing except to return what it does not legally possess.

It is only necessary to look carefully at the obvious, at what should be the very evident realities of the situation, to see how farcical it is to expect that there is any possibility the Palestinians will emerge from negotiations with any kind of just peace solution, any kind of justice. But the peacemakers in Washington have no concern for these realities. The danger, in fact, is that Abbas and the Palestinian Authority will be pressured into showing no concern for what they are conceding, that they will be pressured into giving up the right of return, giving up on the demand for an Israeli settlement freeze, surrendering Palestinian dignity and sovereignty to the shell of the kind of "state" outlined by Ethan Bronner and envisioned by the J Street dreamers – as Abbas and the PA have already been pressured into giving up many principled stands.

It is also very possible that Obama and his aides do not understand the full extent of Israel's control throughout the West Bank and East Jerusalem. The occupation is relentless.

* * *

The question must be asked why Obama is taking the risk of starting this negotiation when there is so much working against it. The easiest answer is that he wants to be seen to be doing something, particularly after his promises of the last year and a half, in advance of the election in November. The timing is good from his perspective because, while there is no possibility of success before the election, there is also no possibility of a failure that could damage him.

This still leaves the question of why he is trying at all when the situation appears so hopeless. Cynics would say that the peace talks are deliberately framed to provide cover for Israel's continued advance across Palestinian territories, to divert the world's attention while Israel swallows more land. This is, without any doubt, Israel's reason for agreeing to enter talks now and, whether the United States is consciously engaged in such a scheme, this is the effect of its actions. Any talk at this point of the two-state solution serves as a diversion, becoming a futile discussion of the impossible while Israel advances.

It is also very possible, strange as it may seem, that Obama and his aides do not truly understand the situation on the ground in Palestine – do not understand the full extent of Israel's control throughout the West Bank and East Jerusalem and the consequent impossibility of ever bringing the two-state dream to fruition. The combined impact of all Israel's repressive measures cannot be fully understood without broad firsthand observation. The occupation is relentless: land confiscation, settlement construction, road building, wall building, home demolitions, home confiscation, checkpoints and movement impediments, settler depredations, constant military raids on villages, large scale arrests and detention, suppression of even the most peaceful resistance, and on and on, endlessly. Neither Obama nor his aides nor the foreign policy experts in government have seen this situation for themselves and, clearly, rely heavily on Israel to tell them what is going on. This is something like relying on the apartheid government of South Africa to report on its own repression and on the situation that blacks were enduring back then.

There are human rights organizations, primarily the Israeli groups B'Tselem and Peace Now, and the U.N.'s Office for the Coordination of Humanitarian Affairs (OCHA) that keep track of Israel's advance through East Jerusalem and across the West Bank, but it is an open question – and is probably doubtful – whether U.S. policymakers ever see these reports. Government personnel stationed in Jerusalem are forbidden to travel through the West Bank. Obama himself, when he visits Abbas in Ramallah, will be whisked along cleared roads in his motorcade, or

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helicoptered in without seeing anything. George Mitchell conducts his diplomacy from the luxurious American Colony Hotel in East Jerusalem, or in the offices of Netanyahu and Abbas. General Keith Dayton, who is overseeing the training of Palestinian security forces, operates on the ground in the West Bank but is dealing only with a small aspect of the situation and necessarily cannot see the impact on the Palestinian population living at the other end of his trainees' weapons.

Quartet special envoy Tony Blair, who frequently hails the economic "prosperity" of the West Bank and from whom Obama, presumably, receives occasional reports on the situation, studies Palestinian areas, when he sees them at all, from the comfort of one of half a dozen sleek armored cars parked permanently at the American Colony Hotel.

In mid-2007, shortly after he took on the task of special envoy, Blair was briefed by OCHA on a major study of the occupation that it had just completed graphically depicting the extent of Israeli control and oppression. The study included a series of maps that chart the progression of Israeli control, as exerted through settlements and outposts, lands severed from the West Bank and incorporated into Israel by the Separation Wall, Israeli military areas, Israeli-designated nature reserves, and roads limited to Israeli use. Rumor around Jerusalem has it that Blair left the briefing ashen-faced and in shock.

The OCHA maps show a progression of Israeli domination that reveals a clear Israeli intention to negate any sustainable presence in the land by the Palestinians as a nation, but, in view of his subsequent rosy depictions of the West Bank situation, one would guess that Blair recovered from his shock quickly, and most likely, never passed on the impressions he received that day to U.S. policymakers. Another area in which magical thinking enters the equation: if policymakers were to talk about the ugly realities, talk about occupation, it would become too real and too hard to deal with.

The result of this refusal to look and refusal to see is that few Americans in a position to do something about or have any influence on this situation – whether these are policymakers or congressmen or the media – essentially have no idea what is going on, and do not want to have any idea. No one, it is safe to assume, has the "big picture" or truly understands the difficulties, if not the impossibility, of resolving the issue with the old tactics. They do not understand the extent of Israel's absorption of the territory, do not understand – or care – what Palestinians are enduring under Israeli control, do not truly fathom Zionism's objectives and Israel's determination to retain control, and do not understand the utter impossibility of forging a real state for Palestinians as long as Israel is allowed to dictate the terms.

* * *

One of the greatest fictions surrounding this process is the notion that the U.S.A. is an honest broker. The *New York Times* has hailed Obama for his "commitment" to the process, contending that he is "more balanced in his approach than his predecessor" and that Mitchell has expended much effort "bringing the parties together." But "together" does not represent "balance," and, in fact, it is precisely the United States' imbalance, symbolized by its massive support for Israel, that is impeding any possibility of reaching a just, equitable, and lasting peace.

The noted Israeli historian Avi Shlaim made this point in discussing the power imbalance in a recent *Guardian* article. A peace agreement is unlikely, he wrote, "because the Israelis are too strong, the Palestinians are too weak, and the American mediators are utterly ineffectual. The sheer asymmetry of power between the two parties militates against a voluntary agreement," meaning one that is not forced on the Palestinians. "To get Israelis and Palestinians around a conference table and tell them to hammer out an agreement," he continued, "is like putting a lion and a lamb in a cage and asking them to sort out their own differences… . In order to bridge the huge gap separating the two sides, America must first redress the balance of power by putting most of its weight on the side of the weaker party."
If only. **CP**

Kathleen Christison is the author of *Perceptions of Palestine and the Wound of Dispossession* , and co-author, with her late husband Bill Christison, of *Palestine in Pieces: Graphic Perspectives on the Israeli Occupation* (Pluto Press, 2009). She can be reached at kb.christison@earthlink.net

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"Wasting Libby is a smart, solid and resonant account of corporate wickedness and the small Montana company town betrayed unto the very death by its largest employer."
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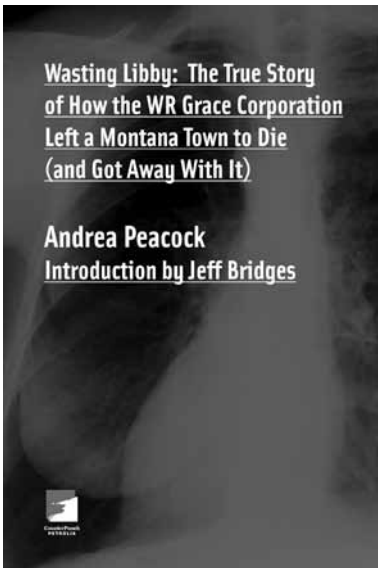
Wasting Libby: The True Story of How the WR Grace Corporation Left a Montana Town to Die (and Got Away With It)
Andrea Peacock
Introduction by Jeff Bridges

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How Can It Be Overcome?

A New Map of Hell

By Michael Snedeker

Michelle Alexander's *The New Jim Crow* (The New Press, 2010) is a brilliant history and assemblage of legal decisions, statutes, rules and practices that have incrementally grown since the 1970s to form a system of mass incarceration and a web of disabilities that falls on those who are released from prisons. This system has evolved much like the laws and restrictions that grew in the South after the retreat of federal troops at the end of Reconstruction in 1876, bit by bit, nail by nail, until it became the system we know as "Jim Crow."

Thirty years ago, fewer than 350,000 people were held in prisons and jails in the United States. The end of incarceration was a legitimate position held by mainstream politicians and academics. Today, the number of prisoners in the United States exceeds 2,000,000. Millions more have been released from prison and found themselves trapped for life in an undercaste, defined largely by race.

The public consensus that supports mass incarceration is ostensibly colorblind. It purports to see black and brown men not as black and brown, but simply as men – raceless men – who failed to play by the rules that the rest of us naturally follow.

Alexander disarms her readers by assuming they will be skeptical about her claim that there is in place right now a comprehensive system of racial discrimination that is like Jim Crow, as she herself once was skeptical. She knows all the visceral responses as well as the counterarguments, and calmly demolishes each one of them. Racism is now a formally approved part of the criminal justice system, so long as it is not admitted or flaunted. Alexander traces the steady decline of the Fourth Amendment as a check to police behavior, and shows how the case of *McCleskey v. Kemp*, decided by a narrow majority of the U.S. Supreme Court in 1987, accepted racism as an inevitable, if unfortunate, byproduct of the discretion that a jury must have in a death penalty case to vote for life. In *McCleskey*, defendant showed that all else being equal, black defendants in Georgia were more likely to be sentenced to death than whites, while those charged with killing whites were far more likely to be sentenced to death than those charged with killing blacks. The high court said that even if this were true, the repercussions of striking down the death penalty on this basis might never end. As dissenting Justice William Brennan wrote, the court was afraid of "too much justice."

McCleskey v. Kemp has since been extended to every corner of the criminal law, to approve any racist choice by actors in the criminal justice system that is not photographed or documented. The symbols of racism, like nooses, are roundly dismissed by right-thinking people everywhere, but the routine functioning of racism as a component of the criminal justice system is accepted as a fact of life, like the segregated system of managing black people in the South for the first half of the 20th century.

Slavery was abolished by a war, and Jim Crow by a movement triggered by litigation. Neither of these will work to eliminate the new Jim Crow.

How does the system work? There are three distinct phases:

(1) *The Roundup.* Police conduct drug operations almost entirely in poor communities of color. They are rewarded in cash, through drug forfeiture laws and federal grant programs, and have no meaningful constraints on their behavior.

(2) *Prison.* A conviction means the beginning of the second stage, the one of formal control in prison or jail. As any middle-class parent of a white college student unlucky enough to have been busted learns, there are ways around a felony conviction. Those processed by the system do not have lawyers with time to get to know their case, or resources to investigate it. Draconian charges are typically resolved by guilty pleas to much less time, even by people who are innocent; trials are very expensive, and discouraged.

(3) *Life in the margins.* The final stage is invisible punishment that lasts a lifetime. Prisoners don't re-enter society. They return to a separate world hidden from view, governed by a set of oppressive laws, rules and customs, where they are permanently relegated to an inferior status. They are trapped in an undercaste, and their numbers now exceed five million. This system affects individuals, the families and neighborhoods of the men locked up, the cities and states where they live, and our national politics. There is little doubt, for example, that had the hundreds of thousands of disenfranchised Floridian ex-felons been able to vote in 2000, George W. Bush would never have been president.

The way was paved for the New Jim Crow system by Richard Nixon's "Southern Strategy," which devised coded ways of disparaging black people, without using inflammatory terms, to great success; the Republican Party took power in Southern states that had been Democratic bastions for decades. Alexander describes the birth of the War on Drugs, and traces the explosive growth in incarceration for drug-related crimes from the 1980s through the Clinton years, when more people were locked up than in any other president's administration, to the present, when we continue to lock up staggering numbers of people despite the collapse of the economy. We now finance all this by draining funds from higher education, infrastructure development, health care, and every other part of our collective life.

Alexander's great achievement is to assemble the separate parts, like wires on a birdcage, and show how they have created a new totality – a new and pervasive system of managing people of color, tailored to an age where they are not exploited because their labor is no longer valuable.

But how can racism be so pervasive in a world where Barack Obama can be elected president? Alexander is exquisitely sensitive to the ambivalent effect of affirmative action, how it remedies past injustices while affirming present injustice. She is a product of affirmative action, for whom the world is wide open. It took a

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steady gaze and an ability to detach from herself to see and describe not only the details of the new Jim Crow reality, but just how the latest version is rationalized.

The old Jim Crow system was based on a belief that black people just couldn't keep up. It was accepted by kind and gentle people as well as by snarling, Bull Connor types. With the advent of people like Barack Obama, we know that black people can not only keep up but leap ahead – and that fact is a pillar of the new system. "Highly visible examples of black success are critical to the maintenance of a racial caste system in an era of colorblindness. These stories 'prove' that race is no longer relevant. Whereas black success stories undermined the logic of Jim Crow, they actually reinforce the system of mass incarceration. Mass incarceration depends for its legitimacy on the widespread belief that those who appear trapped at the bottom actually chose their fate."

Slavery was abolished by a war, and Jim Crow by a movement triggered by litigation. Neither of these will work to eliminate the new Jim Crow. The Civil War was a battle between two profoundly different economies: one based on nursing fledgling industries with high tariffs and the other on "free trade," or supplying a rapidly industrializing Europe with commodities. Mississippi was then more like Jamaica than Pennsylvania. None of our divisions are so fundamental. Alexander delineates how Jim Crow was brought down in the mid-20th century by carefully designed lawsuits presented to sympathetic courts, and a movement consciously centered on people like Rosa Parks, a woman of unquestioned integrity. Today, the courts are more conservative than they've been in the last 75 years, and it's not as easy to develop sympathy for felons, to make them emblems of change.

Alexander is convincing when she shows how the New Jim Crow developed and how it functions, and how techniques that brought down the previous system will not work this time, but she is more tentative about how to mount the social movement necessary to break down the prison-industrial complex and the undercaste it has created. The only source of hope is the monolithic and seemingly inevitable nature of the old Jim Crow system. Black people were like the grass, walked on every day but not really seen except when being trimmed and cut. They were not allowed into parks, pools, or hospitals, went to separate schools, drank from separate fountains, and stayed in their place in a system that seemed more than impregnable; it was as natural as the sun rising in the East.

Then, *Brown v. Board of Education* came along, and a movement in its wake, and, within 15 years, Jim Crow was a rubble heap of discarded statutes, ordinances, customs, expectations, and offensive words, as *unthinkable* as slavery. Someday, the dominance of prisons in our society will be looked at in the same light. Michelle Alexander will be credited as one of the first to see not just the separate parts, each an injustice of its own, but to describe the new Jim Crow system as such, to name it, and to insist that it must be attacked as a whole. **CP**

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